



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

HUDSON PROFESSIONAL MANAGEMENT
ASSOCIATION

Petitioner

v.

TOWN OF HUDSON, N.H.

Respondent

CASE NO'S: M-0623 & M-0623:1

DECISION NO: 90-96

APPEARANCES

Representing the Hudson Professional Management Association:

Donald E. Mitchell, Esq., Counsel

Representing the Town of Hudson, N.H.:

Gary W. Wulf, Consultant

Also in attendance:

Fred Snider, Executive Administrator
Alice Monchamp, Asst. to Administrator
John Rattigan, Town Counsel
Richard Gendron, Captain, Police Department
Brian Mason, Fire Chief
Mark DeVine, Public Works Manager
Richard Ethier, Assessor
Lisa Nute, Police Information Manager
Lydia W. Angell, Finance Director
Susan Snide, Zoning Administrator
Michael Gospodarek, Engineer
Lisa Chouinard, Dog Officer
Michael Reynolds, Planner
Carla A. Anger, Administrative Assistant
Richard Marshall, Captain Fire Department
Gary Rodgers, Captain

BACKGROUND

On May 17, 1990, PELRB issued Decision No. 90-49 wherein it granted a unit of professional management employees in the town of Hudson composed of the town planner, town engineer, civil engineer, zoning administrator, police captain, police lieutenant, police records manager, police chief's secretary,

police animal control division supervisor, deputy fire chief, fire captain, supt. of fire prevention, administrative assistant to director of public works, town attorney's secretary, fire chief's secretary, assistant assessor, town accountant and data processing manager.

The Board excluded from that unit on the basis of supervisory, the town attorney, police chief, fire chief, director of public works and the finance director.

On June 1, 1990 the Hudson Professional Management Association appealed the Board's decision. Rehearing was granted and scheduled, election stayed pending the filing of a proposed amendment by the Association and rehearing on the unit as originally granted.

Rehearing was held on June 27, 1990 in the Board's office in Concord with all parties represented. Extensive testimony was presented on the powers of the executive administrator, the newly implemented hiring freeze affecting the administrator's authority, Council's role, degree of supervision exercised by division heads, actions taken by the town regarding negotiating team members and budgetary constraints necessitating certain actions.

Briefs were filed by the parties on the possibility of conflicts of interest among the bargaining unit members, the degree of discretionary supervisory authority exercised by the excluded employees and the relevance of several supreme court decisions.

On July 19, 1990 the Association filed a modification calling for a separation of the unit into two groups; i.e., Unit A and Unit B. After discussion on the Modification, Council for the Association withdrew the modification petition without prejudice. The Board unanimously accepted the withdrawal.

DECISION AND ORDER

After review of all submissions and evidence, the Board reaffirms its original decision No. 90-49 and orders the election held as expeditiously as possible under its rules and regulations.

Signed this 20th day of September, 1990.



JACK BUCKLEY
Chairman

Unanimous vote: - Jack Buckley, Alternate Chairman presiding. Members Richard E. Molan, Esq., and Seymour Osman present and voting. Also present, Executive Director, Evelyn C. LeBrun.